

DATE: 4/30/08 CASE NUMBER: 08-015676M-SD

USA vs. Silvestre Romero-Cruz

CLOSED

U.S. MAGISTRATE JUDGE: JAY R. IRWIN #: 70BK

A.U.S. Attorney _____ INTERPRETER Ricardo Gonzalez
LANGUAGE Spanish

Attorney for Defendant Lorna Spencer for Juan Rocha (AFPD)

MATERIAL WITNESS(es): _____

MATERIAL WITNESS(es) state true name(s) to be: _____

Attorney for Material Witness(es): _____

DEFENDANT: ☒ PRESENT ☐ NOT PRESENT ☒ CUSTODY

DOA _____ ☐ Initial Appearance ☐ Appointment of counsel hearing held
☐ Financial Afdvt taken ☐ Defendant Sworn ☐ Financial Afdvt sealed
☐ Rule 5(c)(3) ☐ Defendant states true name to be _____. Further proceedings ORDERED
in Defendant's true name.

DETENTION HEARING:

☐ Held ☐ Con't ☐ Submitted ☐ Reset
Set for:
Before:
☐ Defendant ordered temporarily detained in the
custody of the United States Marshal
☐ Defendant ordered released _____
☐ Defendant continued detained pending trial
☐ Flight risk ☐ Danger

IDENTITY HEARING:

☐ Held ☐ Con't ☐ Submitted ☐ Reset
☐ Waived
Set for:
Before:
☐ Warrant of removal issued.

PRELIMINARY HEARING:

☐ Held ☐ Con't ☐ Submitted ☐ Reset
☐ Waived
Set for:
Before:
☐ Probable cause found ☐ Dismissed
☐ Held to answer before District Court

STATUS HEARING: re: Plea

☒ Held ☐ Con't ☐ Reset
Set for:
Before:

Other: Government moves for dismissal of the complaint. Defense has no objection. Court grants motion and dismisses case without prejudice. Case is closed.

Recorded by Courtsmart
BY: Angela J. Tuohy
Deputy Clerk

DATE: 4/23/2008 CASE NUMBER: 08-15676M-SD-001

USA vs. Silvestre Romero-Cruz

U.S. MAGISTRATE JUDGE: JAY R. IRWIN #: 70BK

A.U.S. Attorney _____ INTERPRETER Marcia Resler
LANGUAGE Spanish

Attorney for Defendant Juan Rocha (AFPD)

MATERIAL WITNESS(es): _____

MATERIAL WITNESS(es) state true name(s) to be: _____

Attorney for Material Witness(es): _____

DEFENDANT: ☒ PRESENT ☐ NOT PRESENT ☒ CUSTODY

DOA _____ ☐ Initial Appearance ☐ Appointment of counsel hearing held
☐ Financial Afdvt taken ☐ Defendant Sworn ☐ Financial Afdvt sealed
☐ Rule 5(c)(3) ☐ Defendant states true name to be ____ Further proceedings ORDERED
in Defendant's true name.

DETENTION HEARING: <input type="checkbox"/> Held <input type="checkbox"/> Con't <input type="checkbox"/> Submitted <input type="checkbox"/> Reset Set for: Before: <input type="checkbox"/> Defendant ordered temporarily detained in the custody of the United States Marshal <input type="checkbox"/> Defendant ordered released _____ <input type="checkbox"/> Defendant continued detained pending trial <input type="checkbox"/> Flight risk <input type="checkbox"/> Danger	IDENTITY HEARING: <input type="checkbox"/> Held <input type="checkbox"/> Con't <input type="checkbox"/> Submitted <input type="checkbox"/> Reset <input type="checkbox"/> Waived Set for: Before: <input type="checkbox"/> Warrant of removal issued.
PRELIMINARY HEARING: <input type="checkbox"/> Held <input type="checkbox"/> Con't <input type="checkbox"/> Submitted <input type="checkbox"/> Reset <input type="checkbox"/> Waived Set for: Before: <input type="checkbox"/> Probable cause found <input type="checkbox"/> Dismissed <input type="checkbox"/> Held to answer before District Court	STATUS HEARING: re: <u>Plea / Sentence</u> <input type="checkbox"/> Held <input type="checkbox"/> Con't <input type="checkbox"/> Reset Set for: <u>4/30/08 at 1:00 pm</u> Before: <u>Magistrate Judge Irwin</u>

Other: Defense moves for a continuance of the plea hearing. Government has no objection. Court grants motion and sets status hearing.

Recorded by Courtsmart
BY: Angela J. Tuohy
Deputy Clerk

DATE: 4/21/2008 CASE NUMBER: 08-15676M-SD-001

USA vs. Silvestre Romero-Cruz

U.S. MAGISTRATE JUDGE: JAY R. IRWIN #: 70BK

A.U.S. Attorney _____ INTERPRETER Marcia Resler
LANGUAGE Spanish

Attorney for Defendant Juan Rocha (AFPD)

MATERIAL WITNESS(es): _____

MATERIAL WITNESS(es) state true name(s) to be: _____

Attorney for Material Witness(es): _____

DEFENDANT: ☒ PRESENT ☐ NOT PRESENT ☒ CUSTODY

DOA 4/20/08 ☒ Initial Appearance ☒ Appointment of counsel hearing held
☐ Financial Afdvt taken ☒ Defendant Sworn ☐ Financial Afdvt sealed
☐ Rule 5(c)(3) ☐ Defendant states true name to be _____. Further proceedings
ORDERED in Defendant's true name.

DETENTION HEARING: <input type="checkbox"/> Held <input type="checkbox"/> Con't <input type="checkbox"/> Submitted <input type="checkbox"/> Reset Set for: Before: <input checked="" type="checkbox"/> Defendant ordered temporarily detained in the custody of the United States Marshal <input type="checkbox"/> Defendant ordered released _____ <input type="checkbox"/> Defendant continued detained pending trial <input type="checkbox"/> Flight risk <input type="checkbox"/> Danger	IDENTITY HEARING: <input type="checkbox"/> Held <input type="checkbox"/> Con't <input type="checkbox"/> Submitted <input type="checkbox"/> Reset <input type="checkbox"/> Waived Set for: Before: <input type="checkbox"/> Warrant of removal issued.
PRELIMINARY HEARING: <input type="checkbox"/> Held <input type="checkbox"/> Con't <input type="checkbox"/> Submitted <input type="checkbox"/> Reset <input type="checkbox"/> Waived Set for: Before: <input type="checkbox"/> Probable cause found <input type="checkbox"/> Dismissed <input type="checkbox"/> Held to answer before District Court	STATUS HEARING: re: _____ <input type="checkbox"/> Held <input type="checkbox"/> Con't <input type="checkbox"/> Reset Set for: Before:

Other: Plea and possible sentence are set for 4/23/08 at 1:00 pm before Magistrate Judge Irwin.

Recorded by Courtsmart
BY: Angela J. Tuohy
Deputy Clerk

United States District Court

SOUTHERN DISTRICT OF CALIFORNIA

UNITED STATES OF AMERICA

V.

Silvestre ROMERO-Cruz

Citizen of Mexico

YOB: 1977

079652947

Illegal Alien

CRIMINAL COMPLAINT

CASE NUMBER: 08-15676M-SD

I, the undersigned complainant being duly sworn state the following is true and correct to the best of my knowledge and belief.

COUNT I

That on or about April 20, 2007, Defendant Silvestre ROMERO-Cruz was arrested and removed from the United States to Mexico through the port of Nogales, Arizona, in pursuance of law, and thereafter on or about April 20, 2008, Defendant was found in the United States near Andrade, California within the Southern District of California, the Secretary of the Department of Homeland Security not theretofore having consented to any reapplication by the Defendant for admission into the United States and after the Defendant had willfully and unlawfully returned and remained in the United States; in violation of Title 8, United States Code, Section 1326 (Felony).

COUNT II

That on or about April 20, 2008, within the Southern District of California, Defendant Silvestre ROMERO-Cruz, an alien, did knowingly and willfully enter the United States at a time or place other than as designated by Immigration Officers and elude examination or inspection by Immigration Officers; in violation of Title 8, United States Code, Section 1325, in that the Defendant was previously convicted for violation of Title 8, United States Code, Section 1325, on March 5, 2007 (Felony).

COUNT III

That on or about April 20, 2008, within the Southern District of California, Defendant Silvestre ROMERO-Cruz, an alien, did knowingly and willfully enter the United States at a time or place other than as designated by Immigration Officers; in violation of Title 8, United States Code, Section 1325 (Misdemeanor).

Continued on the attached sheet and made a part hereof. ☒ Yes ☐ No

Signature of Complainant

Gabe Diaz

Senior Patrol Agent

Sworn to before me and subscribed in my presence,

April 21, 2008

at

City and State

Yuma, Arizona

Jay R. Irwin, U.S. Magistrate

Name & Title of Judicial Officer

Signature of Judicial Officer

STATEMENT OF FACTUAL BASIS

Defendant: Silvestre ROMERO-Cruz

Dependents: 1 Mexican

IMMIGRATION HISTORY: The Defendant was last removed through Nogales, Arizona on April 20, 2007. **The Defendant has seven (7) total previous removals and twenty-five (25) prior arrests by the Border Patrol.**

CRIMINAL HISTORY:

<u>DATE/LOCATION</u>	<u>OFFENSE</u>	<u>DISPOSITION</u>
07/22/07 Norwalk, CA	DUI	None Found
03/05/07 Yuma, AZ	Entry w/o Inspection	50 Days Jail

Narrative: The Defendant, a citizen of Mexico and illegally within the United States, was encountered by Yuma Border Patrol agents near Andrade, California.

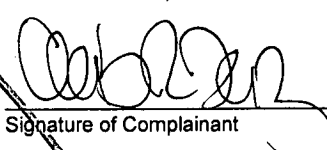
The Defendant was questioned as to his citizenship and immigration status. From that questioning agents determined that the Defendant is an undocumented national of Mexico and illegally in the United States.

The Defendant was transported to the Yuma station for processing. During processing, questioning and computer record checks the above criminal and immigration information was obtained as it relates to this Defendant.

The Defendant last entered the United States illegally without inspection near Andrade, California on April 20, 2008.

Charges: 8 USC§1326
8 USC§1325
8 USC§1325

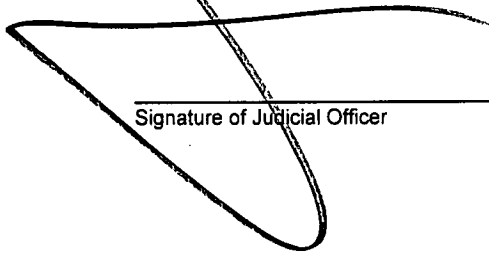
(Felony)
(Felony)
(Misdemeanor)


Signature of Complainant

Sworn to before me and subscribed in my presence,

April 21, 2008

Date


Signature of Judicial Officer